



## ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

**Probate Status Hearing RE: Next Account**

		<b>JEFFREY H. DALE</b> , Spouse, is Successor Conservator of the Estate with bond of \$340,000.00.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <u>Minute Order 9/30/15: Continued to meet up with the McLain Trust matter.</u>  <u>Note: Attorney Gordon Panzak is Conservator of the Person.</u>  <b>1. Need Fourth Account or written status report pursuant to Local Rule 7.5.</b>
		Conservator's Third Account covering five separate account periods from 1/12/10 through 6/30/14 was settled on 2/4/15.	
<b>Cont. from 093015</b>		At the hearing on 2/4/15, the Court set this status hearing for the filing of the next account.	
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			<b>Reviewed by:</b> skc
			<b>Reviewed on:</b> 11/5/15
			<b>Updates:</b>
			<b>Recommendation:</b>
			<b>File 1 – Dale</b>

**2A In Re the Trust of Elaine A McClain (Trust) Case No. 11CEPR00028****Atty** Panzak, Gordon G. (for Jeff Dale – Successor Trustee – Petitioner)**Atty** Marshall, Jared (Associated counsel for Jeff Dale)**Atty** Freed, William J. (for Debbie Duehning, Guardian ad Litem for George McClain, IV)**Probate Status Hearing RE: Petition Filed 4/6/11**

<b>DOD: 5-21-08</b>	<b>DEBBIE DUEHNING</b> , as Guardian ad Litem for <b>GEORGE MCLAIN, IV</b> , filed the following petitions:	<b>NEEDS/PROBLEMS/COMMENTS:</b>
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<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
	<ul style="list-style-type: none"><li>• <b>Petition for Order Compelling Trustee to Make Distribution to Trust Beneficiary; for Imposition of a Constructive Trust; and for an Accounting</b> (filed 4/6/11)</li><li>• <b>Petition to Review Reasonableness of Trustees Compensation, Reasonableness of Attorney's Fees and Costs; for an Accounting and for Removal of the Trustee</b> (filed 8/25/11)</li></ul>	<p><u>Note:</u> On 9/30/15, Ms. Duehning filed Conservator's Second Amended Petition for Orders: 1) Compelling Trustee to Make Distribution to Trust Beneficiary; 2) for Damages for Breach of Trust/Fiduciary Duties; 3) for Damages for Fraud/Concealment; 4) for Recovery of Trust Property/Quiet Title; 5) for Recovery of Trust Assets; 6) Compelling Trustee to Perform and Accounting; 7) for Removal of Trustee; 8) for Cancellation of Deeds.</p> <p>The matter has been set for hearing on 11/18/15.</p>
	<p>On 2/13/15, <b>JEFF DALE</b>, Successor Trustee, filed a <b>Motion to Dismiss</b> various petitions.</p> <p>On 3/30/15, <b>DEBBIE DUEHNING</b> filed a <b>Motion to Amend Petition</b>.</p> <p>Pursuant to the Court's <b>Order on 1) Motion to Dismiss; and 2) Motion for Leave to Amend Petition</b> entered 9/29/15, Mr. Dale's Motion to Dismiss was denied, and Ms. Duehning's Motion for Leave to Amend was granted, and Ms. Duehning was ordered to file and serve her amended petition.</p> <p>The Order also set status hearings re the 4/6/11 Petition and the 8/25/11 Petition.</p>	<p><b>Reviewed by:</b> skc</p> <p><b>Reviewed on:</b> 11/5/15</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 2A - McClain</b></p>

**2A**

Probate Status Hearing

RE: Petition Filed 8/25/11

DOD: 5-21-08		<p><b>DEBBIE DUEHNING</b>, as Guardian ad Litem for <b>GEORGE MCLAIN, IV</b>, filed the following petitions:</p> <ul style="list-style-type: none"> <li><b>Petition for Order Compelling Trustee to Make Distribution to Trust Beneficiary; for Imposition of a Constructive Trust; and for an Accounting</b> (filed 4/6/11)</li> <li><b>Petition to Review Reasonableness of Trustees Compensation, Reasonableness of Attorney's Fees and Costs; for an Accounting and for Removal of the Trustee</b> (filed 8/25/11)</li> </ul> <p>On 2/13/15, <b>JEFF DALE</b>, Successor Trustee, filed a <b>Motion to Dismiss</b> various petitions.</p> <p>On 3/30/15, <b>DEBBIE DUEHNING</b> filed a <b>Motion to Amend Petition</b>.</p> <p>Pursuant to the Court's <b>Order on 1) Motion to Dismiss; and 2) Motion for Leave to Amend Petition</b> entered 9/29/15, Mr. Dale's Motion to Dismiss was denied, and Ms. Duehning's Motion for Leave to Amend was granted, and Ms. Duehning was ordered to file and serve her amended petition.</p> <p>The Order also set status hearings re the 4/6/11 Petition and the 8/25/11 Petition.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><u>Note:</u> On 9/30/15, Ms. Duehning filed Conservator's Second Amended Petition for Orders: 1) Compelling Trustee to Make Distribution to Trust Beneficiary; 2) for Damages for Breach of Trust/Fiduciary Duties; 3) for Damages for Fraud/Concealment; 4) for Recovery of Trust Property/Quiet Title; 5) for Recovery of Trust Assets; 6) Compelling Trustee to Perform and Accounting; 7) for Removal of Trustee; 8) for Cancellation of Deeds.</p> <p>The matter has been set for hearing on 11/18/15.</p>		
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			Reviewed by: skc		
			Reviewed on: 11/5/15		
			Updates:		
			Recommendation:		
			File 2B – Mclain		

**4 Adrian Rivera, Adriana Rivera, Francisco Rivera, Aracelia Rivera, Adolfo Rivera and Anthony Rivera (GUARD/P) Case No. 12CEPR00571**

Petitioner: Lidia Larios (pro per)

**Petition for Appointment of Guardian**

		<p><b>THERE IS NO TEMPORARY.</b> No temporary was requested.</p> <p><b>LIDIA LARIOS</b>, non-relative, is petitioner.</p> <p>Please see petition for details.</p> <p><b>Court Investigator Report filed on 9/23/15</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Continued from 9/29/15. As of 11/5/15 the following issues remain:</b></p> <ol style="list-style-type: none"> <li>1. Need proof of personal service of the Notice of Hearing along with a copy of the petition or consent and waiver of notice or declaration of due diligence on: <ol style="list-style-type: none"> <li>a. Miguel Rivera (father of Adrian and Adriana)</li> <li>b. Sergio Ramirez (father of Francisco)</li> <li>c. Jose Navarro (father of Aricellia)</li> <li>d. Abel Rivera (father of Abel)</li> <li>e. Manuel Torres (father of Anthony)</li> </ol> </li> <li>2. Need proof of service of the Notice of Hearing along with a copy of the petition or consent and waiver of notice or declaration of due diligence on: <ol style="list-style-type: none"> <li>a. Paternal grandparents</li> </ol> </li> </ol>
<b>Cont. from 092915</b>			
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			<p><b>Reviewed by:</b> KT</p> <p><b>Reviewed on:</b> 11/5/15</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 4 – Rivera</b></p>

<b>DOD: 1/28/13</b>		<b>LUPE GALINDDO</b> , Niece and Former Executor with Full IAEA without bond, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>Note:</b> On 3/4/15, Petitioner was removed as Executor and the Public Administrator was appointed as personal representative of the estate. The PA has since filed a Corrected Final Inventory and Appraisal reflecting a date of death value of the property of \$110,000.00 as well as a Reappraisal for Sale reflecting a current value of \$132,000.00.
<b>Cont. from 071415, 082515, 092915</b>		<b>Account period: 1/28/13-present</b>	
		Accounting: \$170,000.00	
		Beginning POH: \$170,000.00	
		Ending POH: \$170,000.00	
		(933 South 2 <sup>nd</sup> Street, Kingsburg)	
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**Account period: 1/28/13-present**  
 Accounting: \$170,000.00  
 Beginning POH: \$170,000.00  
 Ending POH: \$170,000.00  
 (933 South 2<sup>nd</sup> Street, Kingsburg)

Executor (Statutory): Waives

Petitioner is the sole heir of the estate pursuant to the decedent's will.

Petitioner states she has paid the monthly mortgage payments of approx. \$400/month to Wells Fargo since the decedent's death from February 2013 to the present, 27 payments totaling \$11,200.00.

The California Department of Health Care Services filed a creditor's claim in the amount of \$98,508.40 on 1/13/14 and has filed a Request for Special Notice.

**Petitioner prays for an order that:**

1. Administration be brought to a close;
2. This amended account be settled, allowed and approved as filed;
3. All acts and proceedings of petitioner as Executor be confirmed and approved;
4. Distribution be made to the persons entitled; and
5. Such further order be made as the court considers proper.

**The following issues remain noted for reference:**

1. Need proof of service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing on interested parties and parties who have requested special notice per Probate Code §1252:  
 - Probate Referee Steven Diebert (Notice of Hearing filed 9/3/15 included all notice except Mr. Diebert.)
2. Petitioner had previously informed the Court that she was seeking a hardship waiver from DHS with regard to the creditor's claim. The Court may require information regarding the status of that request.
3. As previously noted, the estate is not in a position to close, as there does not appear to have been any provision made for payment of the creditor's claim, and Petitioner does not address whether notice of administration has been given to Franchise Tax Board pursuant to Probate Code §9202(c).
4. This estate was opened with a fee waiver. If assets are distributed pursuant to this probate, filing fees of \$870.00 will be due prior to distribution.

**Reviewed by:** skc

**Reviewed on:** 11/5/15

**Updates:**

**Recommendation:**

**File 6 - Samora**

**7 Destiana Jaurique, Denicio Jaurique, & Alyssa Jaurique (GUARD/P)**  
**Case No. 13CEPR00814**

**Petitioner Cynthia Piombino (Pro Per)**

**Petition Removal of Co-Guardian**

			<b>CYNTHIA PIOMBINO</b> , paternal grandmother and Co-Guardian, is Petitioner.  <p align="center"><i>~Please see Petition for details~</i></p>	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. Per Order on Ex Parte Petition for Removal of Co-Guardian filed 10/15/2015, and pursuant to <b>Probate Code § 1460(b)(5) and 15610(c)</b> -- provisions re: removal of guardian -- need Notice of Hearing and proof of 15 days' personal service or service by mail, with a copy of the Petition for Removal of Co-Guardian, for: <ul style="list-style-type: none"> <li>• Don Marcelli;</li> <li>• Susan Marcelli.</li> </ul>
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			<b>Reviewed by:</b> LEG	
			<b>Reviewed on:</b> 11/5/15	
			<b>Updates:</b>	
			<b>Recommendation:</b>	
			<b>File 7 - Jaurique</b>	

Atty Walters, Jennifer L. (for Irma Hicks – Co-Trustee – Petitioner)  
 Atty Donohue, Francis T, III, (of Newport Beach, CA, for Jesse Joe Ruelas – Co-Trustee – Objector)  
 Atty Ruelas, Angela (Pro Per – Beneficiary – Objector)

**Petition for Instructions Regarding Life Estate of Angela Ruelas and Removal of Co-Trustee of The Octavio and Mary Ruelas Family Trust**

Octavio Ruelas DOD: 6-7-06		IRMA HICKS, a Co-Trustee of the Octavio and Mary Ruelas Family Trust, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>																																																																			
Mary Ruelas DOD: 6-11-14																																																																						
Cont from 120114, 012615, 081115, 092915		<p><b>Petitioner states</b> she and <b>JESSE JOE RUELAS</b> were named as joint successor trustees; however, since Mary Ruelas' passing, Jesse Ruelas has not been abiding by this provisions of the trust and has been making decisions regarding trust property without Petitioner's approval or knowledge.</p> <p>Article VIII, Section C of the trust provides a life estate in the trust property located at 61 N. DeWitt Ave., in Clovis to Angela Ruelas, and states that should Angela Ruelas choose not to live in said property or upon her death, the property shall be held in trust with any income distributed in equal shares to the seven heirs, approx. 14.28% each.</p> <p>Petitioner states Angela has indicated she would be granting residency in the property to Christina Ruelas, who is Co-Trustee Jesse Ruelas' daughter. Angela indicates she has made personal arrangements with Christina regarding rent and the monies are being collected by Angela without any benefit to the trust.</p> <p>Petitioner states the beneficiaries, all siblings, cannot come to an agreement as to whether this is an acceptable method for Angela to secure her life estate.</p> <p>Petitioner states that according to the provisions of the trust, if Angela Ruelas chooses not to live in the home, it reverts back to trust property and is under the exclusive control of the trustees to determine the appropriate resolution regarding the property. Co-Trustee Jesse Ruelas' position is that Angela has the right to have anyone in the property she wishes during her life estate, even if she is not living in the home. This causes Petitioner concern regarding his motives, since the person living in the home is his daughter. She is receiving a great benefit from living in the home at the expense of all the beneficiaries.</p> <p><b>Therefore, Petitioner requests instructions regarding the life estate of Angela Ruelas.</b> Considering her non-compliance with the provision indicating that she must live in the home to ratify the life estate, Petitioner is requesting the Court instruct the 61 N. DeWitt property to revert back to trust property to be under the exclusive control of the Co-Trustees.</p> <p><b><u>SEE ADDITIONAL PAGES</u></b></p>	<p><b>Minute Order 9/29/15:</b> Ms. Walters is also specially appearing for Mr. Donohue and represents that an agreement is out for signatures.</p> <p><b>The following items remain noted for reference:</b></p> <ol style="list-style-type: none"> <li>The petition does not state the names and addresses of each person entitled to notice of this petition, which includes Petitioner, pursuant to Probate Code §17201. Need verified declaration with this information.</li> <li>It is unclear if Christina is currently residing in the home at this time. The Court may require 30 days' notice to Christina Ruelas pursuant to Probate Code §17203(c) or other applicable law.</li> <li>Need order pursuant to Local Rule 7.1.1.F.</li> </ol>																																																																			
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**Page 2**

**Jesse Joe Ruelas, Co-Trustee, filed Answer and Objections on 11-14-14.** Mr. Ruelas denies that he has not been abiding by the provisions of the trust and denies that he has been making decisions without Petitioner's approval or knowledge. The only dispute concerns the life estate. Respondent believes it was his parents' wishes that their youngest daughter, Angela Ruelas, was to be given a life estate in the property and is entitled to possession of the property. Petitioner disagrees.

Respondent states that the fact that he disagrees with Petitioner on this matter is not a reason to remove him as co-trustee. Respondent is concerned that if he is removed, Petitioner will ignore the terms of the trust. Petitioner wanted her son Matthew to have the home, and was upset when their mother asked Matthew to move out. Respondent states Petitioner is also upset that the home was left to Angela and Angela has not agreed to give or rent the home to Matthew.

Respondent states the only assets of the trust that he is aware of are the home and personal property at the home. There is a separate property in Ensenada being overseen by Petitioner; however, Respondent doesn't know if it is part of the trust.

Respondent states Angela has stated that she intends to return to live in the property and believes that she has been moving items into the home. Respondent is informed that Angela has allowed Christina Ruelas and her child to also reside at the home, and they have use of two bedrooms, and the others are for Angela.

Respondent believes the Court should determine the meaning of the trust terms, and this issue about Angela Ruelas' life estate in the property. Respondent denies that he has any hostility or has refused to cooperate with Petitioner as his co-trustee, and states he is not being guided in his actions by the fact that Christina is his daughter. Respondent believes Angela is entitled to the home, and Petitioner wants her out of the home so that she can rent it to her son.

**See Answer for additional information. See also Points and Authorities filed concurrently. Respondent prays:**

1. That the Court instruct the parties as to what, if anything, Angela Ruelas needs to do to obtain the life estate in the home and property at 61 N. DeWitt;
2. That the Court instruct the parties that Angela Ruelas has been granted a life estate in the home and property at 61 N. DeWitt;
3. That the Court declare that Angela Ruelas' life estate has not terminated;
4. That the court deny Petitioner's demand that Jesse J. Ruelas be removed as a co-trustee of the trust;
5. That Jesse J. Ruelas be reimbursed his costs and attorney fees for responding to this petition and motion; and
6. For such other relief as the Court deems just.

**Angela Ruelas also filed an Answer and Objection on 11-18-14.**

**SEE ADDITIONAL PAGES**

**Page 3**

Angela Ruelas states she does want to live in the home and has moving clothes and possessions into the home and purchasing furniture for the home. She agreed to sublet a portion of the home to a relative, Christina, and her child, in return for Christina contributing to pay the costs of keeping up the house, taxes, etc. Angela states she is keeping the other two bedrooms for her use alone and intends to live in the home while Christina also resides there.

Angela Ruelas states she has already done all that she needs to do to "secure" her life interest in the home and the life interest was granted to her without any conditions precedent that she had to meet before she is given the life estate. It is her understanding that the life estate continues until she dies or chooses not to live there. Neither of these conditions has occurred. Angela requests the Court say what must be done so that she can do it.

Angela Ruelas states she has tried to pay for instucance, gardener, property taxes, and other costs associated with the home, but Petitioner has interfered and made it impossible for her to pay costs directly. For example, the gardener refused to take the payment, stating that Petitioner told him not to take payments from Angela Ruelas. She has also tried to reimburse the trust for various costs and expenses, but Petitioner has refused to cash the check. She has been able to pay utilities and home warranty, and remains ready and willing to pay the other expenses, if Petitioner were not preventing it. Various authority cited.

Angela Ruelas further states that Petitioner entered the home and removed property that was supposed to stay with the home, including furniture, and requests that Petitioner return specific items.

**Angela Ruelas prays:**

1. That the Court deny Petitioner's request that the court find that her life estate in the property is terminated;
2. That the Court give instructions and declare that she has a life estate in the home and that there were no conditions precedent to her obtaining the life estate;
3. That if the court finds that there are conditions precedent to her obtaining the life estate, that the court give instructions as to what, if anything, she needs to do to obtain the life estate, and give time to meet those conditions;
4. That the Court deny Petitioner's request that the court find that the life estate is terminated;
5. That the Court find that she has not terminated her life estate in the property;
6. That the Court order Petitioner to return the taken property to the home;
7. That the Court deny Petitioner's request to remove Jesse Ruelas as co-trustee;
8. That the Court award Angela Ruelas recovery of her attorney fees and costs of suit;
9. That the Court grant such other relief as is just.

**Declaration of Irma Hicks Regarding Recent Events Surrounding the Trust was filed 1-23-15.** See declaration for details.

**Probate Status Hearing      RE: Resolution**

10B

## Probate Status Hearing Status RE: Filing of the Inventory and Appraisal.

		<b>ALVIN MOULTRIE</b> , Father, was appointed Guardian of the Estate without bond on 3/24/15.  At the hearing on 3/24/15, the Court set this status hearing for the filing of the Inventory and Appraisal.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <u>Minute Order 8/26/15:</u> Mr. Moultrie represents that there are no assets other than the deposited monies. The matter is continued in order for the Court Examiner to speak with Mr. Moultrie to determine whether or not the Inventory and Appraisal is necessary.  <u>Update:</u> Examiner spoke with Mr. Moultrie via telephone on 9/29/15 and confirmed that, as documented above and in the file, the estate for each minor consists solely of the funds received and placed into the blocked account.
Cont. from 072115, 072915, 081915, 082615, 100615			
<input type="checkbox"/>	Aff.Sub.Wit.	<input type="checkbox"/>	
<input type="checkbox"/>	Verified	<input type="checkbox"/>	
<input type="checkbox"/>	Inventory	<input type="checkbox"/>	
<input type="checkbox"/>	PTC	<input type="checkbox"/>	
<input type="checkbox"/>	Not.Cred.	<input type="checkbox"/>	
<input type="checkbox"/>	Notice of Hrg	<input type="checkbox"/>	
<input type="checkbox"/>	Aff.Mail	<input type="checkbox"/>	
<input type="checkbox"/>	Aff.Pub.	<input type="checkbox"/>	
<input type="checkbox"/>	Sp.Ntc.	<input type="checkbox"/>	
<input type="checkbox"/>	Pers.Serv.	<input type="checkbox"/>	
<input type="checkbox"/>	Conf. Screen	<input type="checkbox"/>	
<input type="checkbox"/>	Letters	<input type="checkbox"/>	
<input type="checkbox"/>	Duties/Supp	<input type="checkbox"/>	
<input type="checkbox"/>	Objections	<input type="checkbox"/>	
<input type="checkbox"/>	Video Receipt	<input type="checkbox"/>	
<input type="checkbox"/>	CI Report	<input type="checkbox"/>	
<input type="checkbox"/>	9202	<input type="checkbox"/>	
<input type="checkbox"/>	Order	<input type="checkbox"/>	
<input type="checkbox"/>	Aff. Posting	<input type="checkbox"/>	
<input type="checkbox"/>	Status Rpt	<input type="checkbox"/>	
<input type="checkbox"/>	UCCJEA	<input type="checkbox"/>	
<input type="checkbox"/>	Citation	<input type="checkbox"/>	
<input type="checkbox"/>	FTB Notice	<input type="checkbox"/>	
			Reviewed by: skc
			Reviewed on: 11/5/15
			Updates:
			Recommendation:
			File 11A – Moultrie

## Petition to Withdraw Funds From Blocked Account

		<b>ALVIN MOULTRIE</b> , Father and Guardian of the Estate, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <u>Minute Order 10/6/15: Mr. Moultrie is to provide the Court with written information regarding the car he hopes to purchase, including a copy of any offer, as well as written proof of his attempts at finding employment. Said documentation is to be filed no later than 11/3/15.</u>  <b>1. The Court may require proof of service of notice of this petition on the minor, Alveon.</b>  <b>2. Need documentation per Minute Order 10/6/15.</b>
<b>Cont From 100615</b>		<b>Petitioner states</b> he would like the court to release funds of \$10,000.00 (\$5,000.00 from each minor's estate) to help him to give his children the simple necessities of life that they may have a better quality of life. With this money he would purchase a family vehicle for transportation of the children to and from school and their many doctor appointments (they have asthma) and the social events that they would like to attend.	
	<b>Aff.Sub.Wit.</b>		
✓	<b>Verified</b>		
	<b>Inventory</b>		
	<b>PTC</b>		
	<b>Not.Cred.</b>		
	<b>Notice of Hrg</b>		
	<b>Aff.Mail</b>	Petitioner would like to buy them school clothing and shoes, and they need dressers for their clothing. As of right now, they are using totes. They don't have many things that most families have for entertainment such as a TV and DVD. He just wants his children to have a better quality of life.	
	<b>Aff.Pub.</b>		
	<b>Sp.Ntc.</b>		
	<b>Pers.Serv.</b>		
	<b>Conf. Screen</b>		
	<b>Letters</b>		
	<b>Duties/Supp</b>	Petitioner states these monies would help in many ways to dispel from their memory the tragedy of their mother's murder. They were present in the home with their mother when this took place. Petitioner is trying to give them stability and a normal life, and they are all just trying to live and heal from the devastation that her death had caused all of them.	
	<b>Objections</b>		
	<b>Video Receipt</b>		
	<b>CI Report</b>		
	<b>9202</b>		
	<b>Order</b>		
	<b>Aff. Posting</b>		
	<b>Status Rpt</b>		
	<b>UCCJEA</b>	Petitioner states the children are growing and want what a lot of other families have – a car, a TV, and clothes to make them feel normal. Petitioner hopes that the judge will help him and release these funds so that the children can have a better life.	
	<b>Citation</b>		
	<b>FTB Notice</b>		

<b>Reviewed by:</b> skc
<b>Reviewed on:</b> 11/5/15
<b>Updates:</b>
<b>Recommendation:</b>
<b>File 11B – Moultrie</b>

11B

## Status RE: Filing of the Inventory and Appraisal.

		ALVIN MOULTRIE, Father, was appointed Guardian of the Estate without bond on 3/24/15.	NEEDS/PROBLEMS/COMMENTS:
		At the hearing on 3/24/15, the Court set this status hearing for the filing of the Inventory and Appraisal.	<p><b>Minute Order 8/26/15:</b> Mr. Moultrie represents that there are no assets other than the deposited monies. The matter is continued in order for the Court Examiner to speak with Mr. Moultrie to determine whether or not the Inventory and Appraisal is necessary.</p> <p><b>Update:</b> Examiner spoke with Mr. Moultrie via telephone on 9/29/15 and confirmed that, as documented above and in the file, the estate for each minor consists solely of the funds received and placed into the blocked account.</p>
Cont from 072115, 072915, 081915, 082615, 100615			
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
			Reviewed by: skc
			Reviewed on: 11/5/15
			Updates:
			Recommendation:
			File 12A - Moultrie

## Petition to Withdraw Funds From Blocked Account

	<b>ALVIN MOULTRIE</b> , Father and Guardian of the Estate, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
	<b>Petitioner states</b> he would like the court to release funds of \$10,000.00 (\$5,000.00 from each minor's estate) to help him to give his children the simple necessities of life that they may have a better quality of life. With this money he would purchase a family vehicle for transportation of the children to and from school and their many doctor appointments (they have asthma) and the social events that they would like to attend.	<b>Minute Order 10/6/15:</b> Mr. Moultrie is to provide the Court with written information regarding the car he hopes to purchase, including a copy of any offer, as well as written proof of his attempts at finding employment. Said documentation is to be filed no later than 11/3/15.
<b>Cont from 100615</b>		
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/> <b>Verified</b>		
<input type="checkbox"/> <b>Inventory</b>		
<input type="checkbox"/> <b>PTC</b>		
<input type="checkbox"/> <b>Not.Cred.</b>		
<input type="checkbox"/> <b>Notice of Hrg</b>		
<input type="checkbox"/> <b>Aff.Mail</b>		
<input type="checkbox"/> <b>Aff.Pub.</b>		
<input type="checkbox"/> <b>Sp.Ntc.</b>		
<input type="checkbox"/> <b>Pers.Serv.</b>		
<input type="checkbox"/> <b>Conf. Screen</b>		
<input type="checkbox"/> <b>Letters</b>		
<input type="checkbox"/> <b>Duties/Supp</b>		
<input type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b>		
<input type="checkbox"/> <b>CI Report</b>		
<input type="checkbox"/> <b>9202</b>		
<input type="checkbox"/> <b>Order</b>		
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>		
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>	<p>Petitioner would like to buy them school clothing and shoes, and they need dressers for their clothing. As of right now, they are using totes. They don't have many things that most families have for entertainment such as a TV and DVD. He just wants his children to have a better quality of life.</p> <p>Petitioner states these monies would help in many ways to dispel from their memory the tragedy of their mother's murder. They were present in the home with their mother when this took place. Petitioner is trying to give them stability and a normal life, and they are all just trying to live and heal from the devastation that her death had caused all of them.</p> <p>Petitioner states the children are growing and want what a lot of other families have – a car, a TV, and clothes to make them feel normal. Petitioner hopes that the judge will help him and release these funds so that the children can have a better life.</p>	<p><b>1. Need documentation per Minute Order 10/6/15.</b></p> <p><b>Reviewed by:</b> skc</p> <p><b>Reviewed on:</b> 11/5/15</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 12B – Moultrie</b></p>

## Probate Status Hearing RE: Filing of the Inventory and Appraisal

		<p><b>JOSEPH R. MARTINEZ, JR.</b> was appointed as conservator of the person and estate with bond set at \$24,000.00 on 6//16/15.</p> <p>Bond was filed on 3/12/15.</p> <p>Letters issued on 6/23/15.</p> <p><b>Minute order dated 6/16/15</b> set this status hearing re: filing of the inventory and appraisal.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. <b>Need inventory and appraisal or current written status report</b> pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.</p>
<b>Cont. from</b>			
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input type="checkbox"/>	<b>Verified</b>		
<input type="checkbox"/>	<b>Inventory</b>		
<input type="checkbox"/>	<b>PTC</b>		
<input type="checkbox"/>	<b>Not.Cred.</b>		
<input type="checkbox"/>	<b>Notice of Hrg</b>		
<input type="checkbox"/>	<b>Aff.Mail</b>		
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>		
<input type="checkbox"/>	<b>Letters</b>		
<input type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		
		<p><b>Reviewed by:</b> KT</p> <p><b>Reviewed on:</b> 11/5/15</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 14 - Martinez</b></p>	



Attorney Perryman, Mark D. (of Carlsbad, CA, for Mark Duggan – Petitioner)  
 Attorney Pimentel, Paul J. (for Respondent Daniel J. Duggan)

**Petition for Findings and Orders to Compel an Accounting or Provide Information on the Trust: Confirm the Creation and Funding of Trust B; and Instructions on Validity of Trust Amendment**

<b>Virginia L. Duggan</b> <b>DOD: 4/17/12</b>		<b>MARK DUGGAN</b> , Remainder Beneficiary of Trust B, the irrevocable trust created under the Daniel J. Duggan and Virginia L. Duggan Revocable Living Trust dated 5/31/11, is Petitioner.  Petitioner seeks findings and orders to compel an accounting and provide information on the Trust B, confirm the creation and funding of Trust B, and that a trust amendment dated 6/29/12 (after the death of Settlor Virginia L. Duggan) applies only to Trust A.  Petitioner states Daniel and Virginia, husband and wife, executed the Daniel J. Duggan and Virginia L. Duggan Revocable Living Trust on 5/31/11. Virginia is Petitioner's mother. Daniel is Petitioner's adopted father. The trust provides that if either co-trustee should resign, become incapacitated, or die then the surviving trustee would become the sole trustee. Further, the trust provides that upon the death of one of the trustors, the trust was to be split into revocable Trust A and irrevocable Trust B, which was designated to hold the portion of the trust estate not allocated to revocable Trust A, portions from revocable trust A added upon the death of the surviving trustor, and other additions.  Virginia passed away 4/17/12. Over a year has passed since Virginia's death and Mark still has not received any information on his beneficial share of Trust B. Mark sent Daniel emails and letters requesting information and accounting, which went unanswered for some time. On 8/8/14, by and through his attorneys, Mark sent a letter to Daniel's attorney requesting, among other things, copies of the trust, amendments, and a full, complete, and accurate accounting that complies with Probate Code §§ 16063 and 1060 <u>from 4/17/12 to the present date</u> . The letter also stated that Mark agreed to Daniel's proposed allocation of real properties to Trust B.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>Minute Order 8/11/15:</b> Counsel agree that the only outstanding matter is the accounting and request 30 days for further resolution. The Court set a separate status hearing re resolution. See Page B.  <b>Note:</b> On 7/17/15, the parties filed a Stipulation as to various facts. The Court's order thereon was entered on 8/7/15.  The following issues remain noted for reference:  1. The Court may require notice to Therese Tiab, the second named successor trustee, pursuant to Probate Code §17203.  2. Need proposed order pursuant to Local Rule 7.1.1.F.
<b>Cont. from 050515, 070715, 081115, 092915</b>			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail	W	
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<input type="checkbox"/>	Sp.Ntc.		
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<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order	X	
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

**SEE ADDITIONAL PAGES**

**Petitioner states (Cont'd):** Mark requested that Daniel record the deeds of the assets allocated to reflect that the assets were a part of Trust B and execute a promissory note for \$125,000.00 with Trust B as the holder and Trust A as the maker of the note. Properties include:

1. 6022 North Marty Ave., APN 106-362-06S
2. 1697 East Los Altos, APN 408-253-13
3. 6750 North Millbrook, APN 408-281-07
4. 2020 South Mary, APNs 468-341-03 and 04
5. 2003-2009 South Sarah, APNs 468-341-14 and 18

On 8/12/14, counsel for Daniel sent a letter that stated he would forward the request to Daniel and provide information as requested. On 8/15/14, Counsel for Daniel mailed the Notification by Trustee pursuant to Probate Code § 16061.7 and a copy of the Trust to Mark. The Notification indicated that the trust was amended on 6/29/12, after Virginia's death. Mark did not receive the amendment or the accounting requested.

Again, on 8/26/14, Mark's counsel wrote a letter requesting the trust documents that Daniel had failed to provide and again requested accounting. Daniel's counsel sent a letter that the accounting should be completed within about two weeks. Mark received a trust accounting for the period of 10/1/13 through 6/30/14, but the accounting did not conform to Probate Code § 16063.

To date, Daniel has not furnished accounting that complies with the probate code, or the trust amendments. Further, he has not provided a copy of the appraisal report for the values of the real property that were to be allocated to Trust B. Daniel has provided copies of the recorded deeds showing that the appropriate properties were allocated to Trust B except for 2020 South Mary and 2003-2009 South Sarah. Daniel has also not provided an executed promissory note for \$125,000.00 naming Trust B as the holder and Trust A as the maker of the note.

**Petitioner provides authority and prays for relief as follows:**

1. Finding that Trust B became irrevocable on 4/17/12;
2. Finding that the 6/29/12 amendment is not applicable to Trust B;
3. Finding that any amendment made after 4/17/12 is not applicable to Trust B;
4. Compelling the trustee to provide an accounting from 4/17/12 to present that complies with Probate Code § 16063;
5. Compelling the trustee to provide all amendments to the trust;
6. Confirming the transfer of the following properties to the trust:
  - 6022 North Marty Ave., APN 106-362-06S
  - 1697 East Los Altos, APN 408-253-13
  - 6750 North Millbrook, APN 408-281-07
7. Instructing the trustee to transfer the following properties to Trust B:
  - 2020 South Mary, APNs 468-341-03 and 04
  - 2003-2009 South Sarah, APNs 468-341-14 and 18
8. Instructing the trustee to execute a promissory note for \$125,000.00 with Trust B as the holder and Trust A as the maker of the note;
9. Approving the division of the trust into Trust A and Trust B;
10. For attorneys' fees and costs as permitted by law; and
11. For such other relief the court deems just and proper.

Attorney Perryman, Mark D. (of Carlsbad, CA, for Mark Duggan – Petitioner)  
 Attorney Pimentel, Paul J. (for Respondent Daniel J. Duggan)

## Status RE: Resolution

		<b>MARK DUGGAN</b> , Remainder Beneficiary of Trust B, the irrevocable trust created under the Daniel J. Duggan and Virginia L. Duggan Revocable Living Trust dated 5/31/11, filed <b>Petition for Findings and Orders to Compel an Accounting or Provide Information on the Trust: Confirm the Creation and Funding of Trust B; and Instructions on Validity of Trust Amendment.</b>  On 7/17/15, the parties filed a Stipulation as to various facts. The Court's order thereon was entered on 8/7/15.  At the hearing on 8/11/15, the Court set this status hearing re resolution.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <u>Minute Order 9/29/15:</u> Mr. McLain represents that he will be subbing out of this matter and Mr. Duggan will act in pro per, at which time he can begin communicating with Mr. Pimentel directly.  As of 11/5/15, nothing further has been filed.
<b>Cont. from 092915</b>			
<b>Aff.Sub.Wit.</b>			
<b>Verified</b>			
<b>Inventory</b>			
<b>PTC</b>			
<b>Not.Cred.</b>			
<b>Notice of Hrg</b>			
<b>Aff.Mail</b>			
<b>Aff.Pub.</b>			
<b>Sp.Ntc.</b>			
<b>Pers.Serv.</b>			
<b>Conf. Screen</b>			
<b>Letters</b>			
<b>Duties/Supp</b>			
<b>Objections</b>			
<b>Video Receipt</b>			
<b>CI Report</b>			
<b>9202</b>			
<b>Order</b>			
<b>Aff. Posting</b>			
<b>Status Rpt</b>			
<b>UCCJEA</b>			
<b>Citation</b>			
<b>FTB Notice</b>			
		<b>Reviewed by:</b> skc	
		<b>Reviewed on:</b> 11/5/15	
		<b>Updates:</b>	
		<b>Recommendation:</b>	
		<b>File 15B - Duggan</b>	

**Petition for Letters of Administration. Authorization to Administer under the  
Independent Administration of Estates Act**

<b>DOD: 3/1/13</b>		<b>ANDY MUIR</b> , son, is petitioner and requests appointment as Administrator without bond.  Full IAEA – o.k.  Decedent died intestate.  Residence: Fresno Publication: Fresno Business Journal  <u><b>Estimated value of the estate:</b></u> Real property-                 \$320,000.00	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>Report of Status of Administration filed on 10/30/15 states</b> it has been discovered that the decedent had a living trust and a pour over will. Petitioner requests that this matter be <b>continued to 12/3/15</b> to be heard with the Heggstad petition filed on 10/19/15. If the Heggstad petition is granted petitioner will request this matter be dismissed. If the Heggstad petition is not granted petitioner will file an amended petition.  <b>Continued from 8/11/15. As of 11/5/15 the following issues remain:</b>  1. Need Waiver of Bond from beneficiary, Lori Muir-Gutierrez, <u>or</u> Limited IAEA <u>or</u> bond set at \$320,000.00  2. Proposed personal representative is a resident of Washington. Probate Code 8571 states notwithstanding a waiver of bond, the court in its discretion may require a nonresident personal representative to give a bond in an amount determined by the court.
<b>Cont. from 070115, 081115</b>			
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/>	<b>Verified</b>		
<input type="checkbox"/>	<b>Inventory</b>		
<input type="checkbox"/>	<b>PTC</b>		
<input type="checkbox"/>	<b>Not.Cred.</b>		
<input type="checkbox"/>	<b>Notice of Hrg</b>		
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<input checked="" type="checkbox"/>	<b>Aff.Pub.</b>	<b>Probate Referee: Steven Diebert</b>	
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
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<input checked="" type="checkbox"/>	<b>Letters</b>		
<input checked="" type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		

<b>Reviewed by: KT</b>
<b>Reviewed on: 11/5/15</b>
<b>Updates:</b>
<b>Recommendation:</b>
<b>File 17 - Muir</b>

**Probate Status Hearing RE: Receipt for Blocked Account**

		<p><b>LOIDA AURORA IN</b>, Mother, was appointed Guardian of the Estate on 8/11/15 without bond, with all funds placed into a blocked account. Letters issued 8/13/15.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Minute Order 9/29/15:</b> If the receipt and an updated status report with regard to the estimated annual income stated in the petition is filed at least two court days prior, the Court may allow the matter to come off calendar on 11/10/15.</p> <p><b>Update:</b> Receipt and Acknowledgment of Order for Deposit of Money Into Blocked Account filed 10/19/15 reflects that \$37,421.73 was deposited to a blocked account at Bank of America.</p> <p>As of 11/5/15, no status report has been filed. The following issue remains noted:</p> <ol style="list-style-type: none"> <li>1. In addition to the American Income Life Insurance lump sum (\$30,000), the original petition also estimated annual income to the minor of \$19,500 and stated that another insurance fund may also be available to the minor, but further information was not available pending appointment as guardian of the estate. At this time, the Court may require further information regarding the additional funds or income.</li> </ol>
<p><b>Cont. from 092915</b></p>			
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>	<p>The Court set this status hearing for the filing of the receipt for blocked account.</p> <p><b>Status Report filed 9/24/15 states</b> Letters were provided to American Income Life Insurance Company to collect the death benefits payable to the minor. The check has been issued to Petitioner as Guardian of the Estate; however, it is currently being routed through the insurance company's auditing department for review prior to being distributed to Ms. In. It is estimated that the check will be distributed by the week of 10/5/15.</p>	
<input type="checkbox"/>	<b>Verified</b>		
<input type="checkbox"/>	<b>Inventory</b>		
<input type="checkbox"/>	<b>PTC</b>		
<input type="checkbox"/>	<b>Not.Cred.</b>		
<input type="checkbox"/>	<b>Notice of Hrg</b>		
<input type="checkbox"/>	<b>Aff.Mail</b>		
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>		
<input type="checkbox"/>	<b>Letters</b>		
<input type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		
			<p><b>Reviewed by:</b> skc</p> <p><b>Reviewed on:</b> 11/5/15</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 19 – In</b></p>

Attorney  
Attorney  
Attorney  
Attorney

Horton, Lisa (for Mark A. Ringer – Son – Petitioner)  
Kruthers, Heather H. (for Public Guardian)  
Jaech, Jeffrey A. (for Iris Parker Ringer – Spouse – Objector)  
Rindlisbacher, Curtis D. (Court appointed for Proposed Conservatee)

Petition for Appointment of Probate Conservator of Person and Estate

		See petition for details.	NEEDS/PROBLEMS/COMMENTS:
Cont. from 092915			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	W	
	Aff.Pub.		
	Sp.Ntc.		
✓	Pers.Serv.	W	
✓	Conf. Screen		
	Letters	X	
✓	Duties/Supp		
	Objections		
✓	Video Receipt		
✓	CI Report		
	9202		
	Order	X	
	Aff. Posting		
	Status Rpt		
	UCCJEA		
✓	Citation		
	FTB Notice		
			<p><b>Minute Order 9/29/15:</b> The Court orders that counsel be appointed for the Conservatee. The Public Guardian believes it is not in the Conservatee's best interest for Iris Ringer to visit. The Court will not order any visitation for Ms. Ringer without further information. The Conservatee will remain at his current placement because Ms. Ringer does not wish to vacate the home. Ms. Kruthers advises that Ms. Ringer has received a 60-day notice to vacate the property.</p> <p><b>Note:</b> Petitioner requested appointment of the Public Guardian as Temporary Conservator only.</p> <p><b>Note:</b> Order Appointing Temporary Conservator includes additional orders allowing the Conservator to consult and engage legal counsel to start obtaining a move-out order against Iris Parker in the Family Law Court and investigate the legal marriage status of the Conservatee.</p> <ol style="list-style-type: none"> <li><b>Need Capacity Declaration in support of request for medical consent powers.</b></li> <li><b>Need bond of at least \$249,910.10, based on estimated personal property and income plus cost of recovery pursuant to Probate Code §2320(c)(4) and Cal. Rule of Court 7.207.</b></li> <li><b>Need order, letters.</b></li> </ol> <p><b>Note:</b> If granted, the Court will set status hearings as follows:</p> <ul style="list-style-type: none"> <li>Tuesday Dec. 15, 2015 for filing of bond</li> <li>Tuesday April 12, 2016 for filing Inventory and Appraisal</li> <li>Tuesday, January 10, 2017 for filing the first account.</li> </ul>
			Reviewed by: skc
			Reviewed on: 11/5/15
			Updates:
			Recommendation:
			File 21 – Ringer

Attorney  
AttorneyAmaro, Matthew T. (of Hanford, CA, for Phyllis Vieira – Daughter – Petitioner)  
Vallis, James H. (of Kingsburg, CA, for Sharron Y. Warehime – Daughter – Objector)Petition for Probate of Will and for Letters Testamentary; Authorization to Administer  
under the Independent Administration of Estates Act

DOD: 9/4/15		<b>PHYLLIS VIEIRA</b> , Daughter and Third Named Executor without bond, is Petitioner and requests appointment as Executor with Full IAEA without bond.  Full IAEA – ok  Will dated 8/8/05  Residence: Selma, CA Publication: Selma Enterprise  Estimated value of estate: Personal property: \$ 500.00 Real property: \$180,000.00 Total: \$180,500.00  Probate Referee: Rick Smith  <b>Objection filed 9/22/15 by Sharron Warehime, Daughter, states</b> she is the first nominated executor in the decedent's will dated 8/12/09 and has been handling the decedent's business affairs and health care through a power of attorney since 5/9/08. She has not been contacted by her sister or the attorney about whether or not she would decline to act, which would then be proper grounds for Phyllis to petition. Objector has filed herewith her own petition asserting right to letters testamentary. Further, it is also their sister Kaye Prather's desire that their father's wishes be respected and that Objector be appointed executor. Objector prays that letters testamentary not be granted to Petitioner Phyllis Vieira.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <u>Note:</u> A competing petition filed by Sharron Y. Warehime is Page B.  <u>Minute Order 11/3/15:</u> Mr. Amaro represents that he will be substituting out of this matter, but his client does object to the appointment of Sharron Warehime and requests time to obtain new counsel. Phyllis Vieira is ordered to be personally present in court on 11/10/15, as well as Mr. Amaro if he has not subbed out by that date.  1. The competing petition filed by Objector provides a more recent will dated 8/12/09 that revokes prior wills. Need clarification with reference to Probate Code §6120(a).  2. Need original will dated 8/8/05 pursuant to Probate Code §8200.  3. Petitioner is the third named executor of the will dated 8/8/05. The decedent's predeceased spouse is the first, and Ms. Warehime is the second. Therefore, a declination to act would be required from Ms. Warehime for appointment of Petitioner. However, as noted above, Ms. Warehime has filed a competing petition.  4. Publication appears to contain outdated language. The Court may require further publication.  <u>Note:</u> If granted, the Court will set status hearings as follows: • Tuesday April 5, 2016 for filing the Inventory and Appraisal • Tuesday January 3, 2017 for filing the first account or petition for final distribution.  If the proper items are on file per Local Rule 7.5, the status hearing may come off calendar.
Cont. from 102615, 110315			
Aff.Sub.Wit.	S/P		
✓ Verified			
Inventory			
PTC			
Not.Cred.			
✓ Notice of Hrg			
✓ Aff.Mail	w		
✓ Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
✓ Letters			
✓ Duties/Supp			
✓ Objections			
Video Receipt			
CI Report			
9202			
✓ Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			

Reviewed by: skc
Reviewed on: 11/5/15
Updates:
Recommendation:
File 31A – Prather

**Petition for Probate of Will and for Letters Testamentary; Authorization to Administer under the Independent Administration of Estates Act**

<b>DOD: 9/4/15</b>			<b>SHARRON Y. WAREHIME,</b> Daughter and Named Executor without bond, is Petitioner.  Full IAEA – ok  Will dated 8/12/09  Residence: Selma, CA Publication: Selma Enterprise  Estimated value of estate: Personal property: \$ 55,000.00 Real property: \$185,000.00 Total: \$240,000.00  Probate Referee: Rick Smith	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. <b>Need Notice of Petition to Administer Estate and proof of service on the heirs listed at #8: Phyllis Vieira and Kaye Prather.</b>  <u>Note:</u> Petitioner filed a “Notice of Hearing” with reference to the hearing on 10/26/15 and her objections to the petition filed by Phyllis Vieira; however, Notice of Petition to Administer Estate is required by Probate Code §8100, 8110.  2. <b>Publication appears to contain outdated language. The Court may require further publication.</b>  ag <u>Note:</u> If granted, the Court will set status hearings as follows: <ul style="list-style-type: none"> <li>• Tuesday April 5, 2016 for filing the Inventory and Appraisal</li> <li>• Tuesday January 3, 2017 for filing the first account or petition for final distribution.</li> </ul> If the proper items are on file per Local Rule 7.5, the status hearing may come off calendar.
<b>Cont. from 110315</b>				
	<b>Aff.Sub.Wit.</b>	S/P		
✓	<b>Verified</b>			
	<b>Inventory</b>			
	<b>PTC</b>			
	<b>Not.Cred.</b>			
	<b>Notice of Hrg</b>	x		
	<b>Aff.Mail</b>	x		
✓	<b>Aff.Pub.</b>			
	<b>Sp.Ntc.</b>			
	<b>Pers.Serv.</b>			
	<b>Conf. Screen</b>			
✓	<b>Letters</b>			
✓	<b>Duties/Supp</b>			
✓	<b>Objections</b>			
	<b>Video Receipt</b>			
	<b>CI Report</b>			
	<b>9202</b>			
✓	<b>Order</b>			
	<b>Aff. Posting</b>			
	<b>Status Rpt</b>			
	<b>UCCJEA</b>			
	<b>Citation</b>			
	<b>FTB Notice</b>			
<b>Reviewed by:</b> skc				
<b>Reviewed on:</b> 11/5/15				
<b>Updates:</b>				
<b>Recommendation:</b>				
<b>File 32B – Prather</b>				